United Nations A/AC.109/2006/SR.5

General Assembly

Distr.: General
19 July 2006

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 5th meeting
Held at Headquarters, New York, on Tuesday, 6 June 2006, at 10 a.m.

Chairman: Mr. Hunte ..... (Saint Lucia)

Contents

Adoption of the agenda

Question of Western Sahara

Hearing of petitioners

Question of Gibraltar

Hearing of representatives of Non-Self-Governing Territories

Hearing of petitioners

Statement by the Chairman

Other matters

This record is subject to correction. Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of this meeting and of other meetings will be issued in a corrigendum.

06-37654 (E)

The meeting was called to order at 10.25 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Question of Western Sahara (A/AC.109/2006/2)

2. **The Chairman** drew attention to the working paper on Western Sahara prepared by the Secretariat (A/AC.109/2006/2).

3. **Mr. Malmierca Diaz** (Cuba) said that the Saharawi people, denied their inalienable right to self-determination for more than three decades, had a right to determine their own future. As had been stated repeatedly by the United Nations, the conflict in Western Sahara was a decolonization issue that fell within the scope of General Assembly resolution 1514 (XV) and was, therefore, the direct responsibility of the United Nations. Any attempt to prevent the Saharawi people from exercising that right was a grave violation of international law and contrary to the Charter and the many resolutions adopted since 1965.

4. The Settlement Plan, the Houston Accords and the Peace Plan for the Self-Determination of the People of Western Sahara all clearly stated that a solution to the issue could be achieved only if the Saharawi people were allowed to express their sovereign will. They alone could decide their future, through a free and legitimate referendum, with no restrictions of any kind. One way to ensure a just and final solution to the question would be to implement the Peace Plan, which had been adopted by the Security Council as an optimum political solution to the conflict.

5. The United Nations could not shy away from its responsibilities on the pretext that one of the parties had rejected the plans drawn up by the Organization or negotiated by the parties under its auspices, or wash its hands of the process of finding a solution to a decolonization issue that it was responsible for resolving. The Saharawi people had pinned their hopes on the United Nations. The Special Committee had a key role to play in the consideration of the issue, which had been on its agenda for many years and must remain there for as long as was necessary.

6. The Saharawi people needed the international community's support now more than ever. Despite its modest resources, Cuba had contributed, to the extent possible, to the Saharawi people's dev particularly in the area of education. In re repeated calls by the General Assembly tha States should provide study and training opp for the inhabitants of Non-Self-Governing 590 Saharawi students were currently st Cuba. His Government would continue to just and final solution to the question o Sahara, in line with the relevant resolutio Security Council and General Assembly. The people would always be able to rely on the so Cuba in their heroic struggle to exer legitimate rights.

Hearing of petitioners

7. **The Chairman** recalled that, at its 4th the Committee had acceded to the request fo from the representative of the Frente Popul Liberación de Saguia el-Hamra y de Río de O POLISARIO).

8. *At the invitation of the Chairman, Mr (Frente Popular para la Liberación de Hamra y de Río de Oro (Frente POLISARI place at the petitioners' table.*

9. **Mr. Boukhari** (Frente Popular para la de Saguia el-Hamra y de Río de Or POLISARIO)) said that the ongoing occupation of Western Sahara by Moroc challenge to the authority of the United Nati particular, of the Special Committee. President Mbeki of South Africa had stated a cause of shame and sadness that the Sahar had still not achieved their legitimate asp self-determination. Developments si Committee's previous session confirmed th Morocco continued to oppose a referendu determination, while stepping up its rep Saharawi civilians. Other developments i year included the appointment of a nev Envoy for Western Sahara, the adoption Council resolution 1634 (2005), extending t of the United Nations Mission for the Ref Western Sahara (MINURSO) until 30 April most recently, the presentation Secretary-General's report on the situation Western Sahara (S/2006/249) to the Securi He wished to highlight three key aspe Secretary-General's report.

10. First, the report reiterated a number of truths that were fundamental for the credible decolonization of Western Sahara. For example, no State Member of the United Nations had recognized Morocco's sovereignty over Western Sahara. As stated explicitly by the General Assembly and implied by the former Under-Secretary-General for Legal Affairs, the Moroccan presence in Western Sahara was illegal. The report also recalled the advisory opinion of the International Court of Justice of 16 October 1975, negating the validity of Morocco's claims to Western Sahara, and the Settlement Plan and Baker Plan. It also stated that the United Nations could not endorse any peace plan that excluded the Saharawi people's right to self-determination. The Frente POLISARIO had hoped that the report would recommend that the Security Council should instruct MINURSO to resume the referendum process, which had been paralysed since February 2000 when Morocco had decided to break its commitment to cooperate with the United Nations in the holding of a referendum on self-determination for the Saharawi people. Instead, the report proposed other ways forward, which minimized, if not undermined, the value of the right to self-determination.

11. In that connection, the second key aspect of the report was the Personal Envoy's view that discussions about international legality should take account of what he called the "political reality", a euphemism for Morocco's illegal occupation. The intent was to establish a very dangerous precedent that implied acceptance of a colonial act imposed by force. On the one hand, the report recommended negotiations, involving various third parties, that would produce a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara. On the other, it warned that any referendum including independence as an option would be rejected by Morocco. It was hard to find any coherence in the idea. Such an approach seemed to suggest that the decolonization doctrine of the United Nations was being abandoned in favour of the well-known position of the occupying Power, all in the name of the "political reality". He had never seen anything like it. If that approach had been taken in the past, many countries might still be under foreign colonial occupation today.

12. The Frente POLISARIO was extremely surprised by the latest attempt to derail the long decolonization process, as it had stated in a letter to the President of the Security Council. There was nothing to negotiate with Morocco. What was needed was for agreements to be implemented. Everything had been negotiated and renegotiated with the occupying Power in negotiations supervised by the United Nations and leading to concrete results, all of which had been approved by the Security Council with the explicit aim of holding a referendum on self-determination that included the option of independence. The Frente POLISARIO was pleased that Security Council resolution 1675 (2006) did not mention such negotiations, but simply extended the MINURSO mandate until 31 October 2006. It was difficult to go on justifying the impasse. The international community had a duty and the means to ensure that a referendum was held. The huge United Nations effort could not be sacrificed just because the occupying Power had decided not to cooperate in implementing previously accepted plans. The United Nations needed to persevere in defending the fundamental principles of the Charter, irrespective of the "political reality" arising from illegal colonial occupations, as it had done in other, successful, decolonization processes. Morocco was deliberately exploiting the lack of perseverance to openly challenge international legality, while committing human rights abuses in the Territory that it occupied illegally.

13. The third key aspect was that, for the first time, and despite the fact that such abuses were nothing new, the Secretary-General's report included a reference to human rights abuses in Western Sahara. In particular, the Secretary-General expressed his concern at the heavy-handed response by the Moroccan security forces to the many peaceful independence demonstrations. Dozens of Saharawis had been imprisoned and tortured. Two people had died in the past year, while many more continued to be detained in Moroccan prisons. The Security Council had documentary evidence of such crimes. The deteriorating human rights situation had also been mentioned repeatedly by leading humanitarian organizations. For a year now, the European Parliament had been seeking permission to send a delegation to Western Sahara. Morocco had also prevented government delegations from the Nordic countries and from regional parliaments in Spain from travelling to Western Sahara. Such an approach would only raise suspicions as to what Morocco was up to in the Territory. Just last month, the United Nations High Commissioner for Human Rights had finally been allowed to send a delegation to the Territory. However,

the Moroccan authorities had done everything in their power to prevent the delegation from seeing the true picture, limiting its visit to two days and one city, Aaiun, and forcing it to spend much of its time receiving pseudo-NGOs sent by the occupying Power. The Frente POLISARIO hoped that the High Commissioner would tell the Security Council and the international community about the suffering of an innocent people which, despite repression, still believed in asserting its legitimate claims by peaceful means. It also hoped that the Secretary-General and the Security Council would establish effective mechanisms in Western Sahara, within the MINURSO mandate, to ensure respect for human rights until a referendum was held. As a member of the Human Rights Council, Morocco must not oppose such a mechanism.

14. The continuing impasse would not allow peace to be restored or human rights respected. The United Nations must not renounce its responsibility to Western Sahara for the sake of the so-called "political reality", which was synonymous with a violation of the Charter. Such violation had been elevated to State policy by the occupying Power, as other colonial Powers had done in the past. The international legality symbolized in the Charter was precisely the fundamental argument for ending illegitimate situations resulting from the colonial "political reality". To reverse the terms of the equation in the case of Western Sahara was unjustifiable and would give rise to suspicions of hidden agendas.

15. The Frente POLISARIO had cooperated fully with the United Nations to reach a peaceful settlement of the dispute, which would fulfil the dream of generations of Maghrebis and Africans of a shared future based on good-neighbourliness. By accepting the Settlement Plan, Houston Accords and Baker Plan, it had also offered Morocco an honourable way out of the conflict. It was therefore surprised at Morocco's continuing attitude of intransigency and subterfuge, which wasted time and undermined international credibility. By turning a blind eye to Morocco's blatant attempts to obstruct the decolonization process at a time when it should be playing a decisive role in ensuring its success, the United Nations was not helping matters, especially for itself. It had arrived in Western Sahara in 1991 with a detailed Peace Plan, ready for implementation, and the single aim of holding a referendum on self-determination. Failure to conduct such a referendum would have serious implications. The behaviour of a number countries was doing nothing to st fundamental role of the United Nat regrettable that the mistakes of the colo being perpetuated. In that context, the agreement on Saharawi waters between Union and Morocco added fuel to the fi POLISARIO reiterated its call for the ag brought into line with international legali

16. The Saharawi people could not be to the rule. They would not renounce th to self-determination. They were no anything new or anything unviable; they asking for the same thing that other State the United Nations had asked for in th United Nations must help the Sahara convince Morocco to comply with legality and with its own commitments was not willing to cooperate, the Saha right to exist as a sovereign nation must no longer. They asserted their right to United Nations. They were not necessari the referendum on self-determination. H referendum had not taken place, the Sa were not to blame and must not pa Everyone knew that the Saharawi people sovereign country. That was why Moroc referendum. Whether or not a referend must not continue to depend on Moro The presence of Western Sahara at the U would endorse the peaceful settlement o respect international legality and could ev solution to the conflict, including referendum. To do nothing was not an United Nations. To do nothing while thin the international community lost hope a of Western Sahara continued to suffer rights abuses was to admit that the only failure — failure of peace, of the United N the international community as a whole Committee must heighten its inte decolonization of the last colony in Afri than ever.

17. *Mr. Boukhari withdrew.*

18. **The Chairman** said that he took i to any directive from the General Assemb first session, the Committee wished to consideration of the item and transmit al documents to the General Assembly

consideration of the item by the Special Political and Decolonization Committee (Fourth Committee).

19. *It was so decided.*

20. **The Chairman** said that the Committee had concluded its consideration of the agenda item.

Question of Gibraltar (A/AC.109/2006/9 and Corr.1)

21. **Mr. Yáñez-Barnuevo** (Observer for Spain) said that his country continued to regard the Committee's work as fundamental and indispensable to the completion of the decolonization process. Of all Member States, Spain was the one most concerned to make progress in the decolonization of Gibraltar, which must be achieved on the basis of the relevant resolutions of the General Assembly.

22. In a White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories", published in March 1999, the Government of the United Kingdom had stated that the case of Gibraltar presented a particular circumstance because the United Kingdom's entitlement was based on the Treaty of Utrecht between Spain and the United Kingdom. The same view had been expressed by the Committee in the conclusions of a seminar on decolonization held in 2005.

23. The Second International Decade for the Eradication of Colonialism should provide an additional incentive for achieving progress towards the decolonization of the remaining Territories on the Committee's list. The success of that process would require a climate that was conducive to the calm discussion of the issues, since thorough negotiations on sovereignty could not be carried out successfully in a climate of confrontation. It was on that basis that a trilateral forum for dialogue had been established by the Governments of Spain, the United Kingdom and Gibraltar in December 2004. His Government hoped that the first results of the dialogue would be announced during the summer of 2006.

24. Although some observers might interpret certain recent events as a departure from the spirit underlying the trilateral forum, Spain did not share that view. In March 2006 talks had been held between the British Government and a delegation from Gibraltar on ways to reform the constitutional order that had been in force in Gibraltar since 1969. However, the resulting constitutional text could only be regarded as an internal redistribution of powers between the United Kingdom and Gibraltar, aimed at improving the efficiency of government in the Territory, not at the decolonization of Gibraltar.

25. His Government therefore believed that the constitutional reform could have no repercussions for the decolonization of Gibraltar, since the 1999 White Paper stated that the revision of the constitutional documents of its overseas territories was simply a response to a decision to modernize its relations with those territories and to enhance local autonomy and good governance.

26. Moreover, the United Kingdom had assured Spain in March 2006 that with respect to Gibraltar it recognized the limits to the principle of self-determination, which should be promoted in accordance with the Charter of the United Nations and the Treaty of Utrecht. The language employed by the United Kingdom at that time had clearly indicated that the revised constitutional text could not affect the decolonization process. Furthermore, the text proposed by the Parliament of Gibraltar at the outset of the constitutional reform left no doubt that Gibraltar would remain a de facto and de jure Non-Self-Governing Territory.

27. To assert that Gibraltar was no longer a Non-Self-Governing Territory because of the constitutional reform would be to deny the relevant United Nations resolutions, as well as Spain's historical rights over the Territory as recognized in the Treaty of Utrecht. Moreover, the principle of territorial integrity was all the more applicable when one considered the isthmus that united the rock of Gibraltar with Spanish territory.

28. The Committee had acted decisively and effectively throughout the long and arduous decolonization process, and Spain would encourage the Committee to continue doing so with respect to the remaining Territories on the list. Spain would continue to work with the Committee on the decolonization of Gibraltar, and was determined to achieve a satisfactory outcome from the trilateral forum. The relevant United Nations legal doctrine, which had been clearly established in the Charter of the United Nations, as well as in the applicable resolutions of the General Assembly, must be interpreted and applied in its entirety.

29. **The Chairman** drew attention to the working paper prepared by the Secretariat (A/AC.109/2006/9

and Corr.1), adding that he had received a communication from the Chief Minister of Gibraltar requesting an opportunity to address the Committee on the question of Gibraltar. If he heard no objection, he would take it that the Committee wished to accede to the request in accordance with its usual procedure.

30. *It was so decided.*

Hearing of representatives of Non-Self-Governing Territories

31. **Mr. Caruana** (Chief Minister of Gibraltar) said that each year the Government of Gibraltar requested that the Committee should consider the question of Gibraltar as an issue of decolonization by self-determination. And yet, it had never succeeded in persuading the Committee to leave behind its 35 long years of lethargic inactivity on the matter. Consequently, most people in Gibraltar had come to question the relevance of the United Nations to their destiny.

32. He recalled that General Assembly resolution 1810 (XVII) invited the Committee to continue to seek the most suitable ways and means for the speedy and total application of the Declaration on the Granting of Independence to Colonial Countries and Peoples to all Territories which had not yet gained independence, including Gibraltar.

33. Some members of the Committee, and some Member States, might wrongly believe that the Declaration did not apply to Gibraltar, or to other Territories affected by a sovereignty dispute, because of paragraph 6 of the Declaration, which stated that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a country was incompatible with the purposes and principles of the Charter of the United Nations. Such a view could derive only from a misinterpretation of the Declaration and from a blatant misapplication of the principle of territorial integrity.

34. Since the Committee did consider the question of Gibraltar, it must clearly believe that the Declaration did apply to Gibraltar, and that the question of Gibraltar fell within its mandate. The Committee's function was therefore to assist Gibraltar to decolonize by the exercise of self-determination, in accordance with the people's freely expressed will and desire, pursuant to the Declaration.

35. While clearly excluding the right determination in cases to which the pr territorial integrity properly applied, the D created no mandate to promote the decoloni territory in accordance with the principle of integrity. As the International Court of J made clear, the principle of territorial integ not be applied in the process of decolonizat listed Territory.

36. Thus, either the Declaration applied to implying decolonization by self-determinatio not, in which case Gibraltar should be regard colony, but simply as a territory ov sovereignty was disputed and in respect of w was no right to decolonization, and whi therefore not be on the Committee's list of Governing Territories.

37. There were two reasons why determination of Gibraltar was not exclud principle of territorial integrity. First, the p self-determination applied to every listed Second, the principle of territorial integrit apply in the case of Gibraltar. No attempt made to disrupt the territorial integrity because Spain did not include Gibraltar.

38. General Assembly resolution 2625 (X it clear that the question of Gibraltar w situation to which the principle of territoria could properly apply. The only correct appl the principle of territorial integrity und Nations and international law was that, in a with the Charter of the United Nations Declaration, a territory that was part of a S not invoke the right to self-determination i secede from that State. That principle cou applied to the decolonization of Gibraltar, was not part of a Member State.

39. The argument that the people of Gibral be denied self-determination in accordance terms of the Treaty of Utrecht was erroneous commonplace of international law that a trea like the Treaty of Utrecht, was inconsistent Charter was void, invalid and ineffective. He failed to understand why it was argued that of Utrecht invalidated the Charter of th Nations.

40. He wished to know why the Committe state that the principle of self-determination

the case of Gibraltar, and why it did not continue to seek suitable ways and means to implement the Declaration in Gibraltar.

41. He also wished to know why, in the case of Gibraltar, the Committee had not redoubled its efforts to implement the plan of action to eradicate colonialism, in accordance with General Assembly resolution 55/146, and why the Committee had failed to establish a programme of work in the case of Gibraltar, in accordance with paragraph 72 of the Committee's 2005 report to the General Assembly on its work (A/60/23).

42. If the Committee wished Gibraltar to accept Spanish sovereignty, it was acting outside its mandate, outside the Declaration and against the wishes of the people of Gibraltar, who would never surrender their right to decide their own future and would never subjugate that right to Spain's sovereignty claim.

43. The people of Gibraltar had come to believe that the Committee lacked both the inclination and the will to help them secure decolonization in accordance with their wishes. They had therefore decided to exercise their right to self-determination through a referendum on a new constitutional relationship with the United Kingdom which was not colonial in nature. Such an act of self-determination was provided for in General Assembly resolution 2625 (XXV).

44. If the people of Gibraltar were to accept the revised constitution, the Committee should cease to consider the question of Gibraltar and recommend to the General Assembly that Gibraltar should be de-listed. However, that was a matter for the Committee to decide in accordance with its unilaterally established de-listing criteria.

45. Spain believed that because of its sovereignty claim, the only manner of decolonization that the United Nations would endorse was the transfer of sovereignty over Gibraltar to Spain. Since the Committee systematically failed to dispel that claim, the people of Gibraltar did not see the Committee, or the United Nations, as relevant to their decisions about their destiny. On the other hand, the United Kingdom believed that although Gibraltar enjoyed the right to self-determination, it could not opt for outright independence, because of the terms of the Treaty of Utrecht. Gibraltar roundly rejected that view. However, it was likely that the United Kingdom would eventually recognize that the people's acceptance of the revised constitution in a referendum would constitute an exercise of the right to self-determination.

46. The trilateral forum had met several times in formal session, and the parties were hopeful of reaching important agreements in the near future. Gibraltar welcomed that prospect, and looked forward to continued constructive engagement with Spain within the context of the forum.

47. **The Chairman** said that the Committee strongly rejected the reference made by the Chief Minister of Gibraltar to the Committee's "thirty-five long years of lethargic inactivity" in relation to the question of Gibraltar. Furthermore, with respect to his reference to the Committee's "unilaterally established de-listing criteria", he would recall that the Committee had no such criteria, and was in fact guided by the criteria established by the General Assembly.

Hearing of petitioners

48. *At the invitation of the Chairman, Mr. Bossano (Leader of the Opposition, Gibraltar) took a place at the Committee table.*

49. **Mr. Bossano** (Leader of the Opposition, Gibraltar) said that the Special Committee had agreed in 1964 that the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples were fully applicable to Gibraltar. He wished to bring to the Committee's attention the events that had led up to the current situation regarding the potential decolonization of Gibraltar.

50. The opposition party had joined Gibraltar's select committee on decolonization established in 1999. The party had, however, clarified from the outset that it would never support a constitution that failed to put an end to Gibraltar's status as a Chapter XI Territory. That position had been underlined at the beginning of the negotiations with the Government of the United Kingdom in 2004. The understanding at that point had been that the United Kingdom would decide at the end of the negotiations whether the resultant constitutional text could lead to a declaration that Gibraltar had obtained the fullest possible measure of self-government.

51. In February 2006, the Governments of Spain and the United Kingdom had advocated for the removal of any reference to self-government or de-listing in the additional preamble to the new constitution. In March

2006, the territorial Government and the Gov[illegible]nt of the United Kingdom had issued a joint st[illegible]t welcoming the new constitution. After some correspondence between the foreign ministers of the United Kingdom and Spain detailing their conflicting interpretations of the results of the constitutional negotiations, the United Kingdom had concluded that the new constitution was not linked to Gibraltar's international status or to the issue of decolonization.

52. The United Kingdom had asserted that it issued preambles after referendums had been held, and that it was not its policy to engage the Special Committee in the de-listing of any of its territories. However, the cases of St. Helena, Anguilla, Papua New Guinea and the Turks and Caicos Islands clearly indicated that those assertions were false. Moreover, the United Kingdom had stated in April 2006 that since it had not voted for General Assembly resolution 1541 (XV), it did not consider itself bound by that instrument. Given that resolution 1541 (XV) and General Assembly resolution 1514 (XV) together formed the cornerstone of the decolonization process, such comments raised doubts about the United Kingdom's commitment to that process.

53. The Governments of Gibraltar and the United Kingdom had both stated that the Special Committee's criteria for de-listing were outdated. The Chief Minister had concluded that Gibraltar should proceed as if it were exercising self-government and implement the new constitution, which would amount to de facto decolonization. The Opposition failed to understand how credence could be given to the opinion that the Special Committee's criteria were outdated, since they were those established in General Assembly resolution 1541 (XV) and General Assembly resolution 2652 (XXV).

54. The text that the United Kingdom and Spain had jointly submitted to the Fourth Committee in October 2005 had made it clear that the United Kingdom believed that a lasting solution to the question of Gibraltar's decolonization could be found only through negotiation with Spain. The Opposition had stated at the time that determining when a territory had achieved a full measure of self-government was an issue for the consideration of the United Nations, not a decision to be made by the Territory and its former colonial Power. However, neither the United Nations nor the Special Committee had taken action to assist in Gibraltar's decolonization process. The only remaining solution, in the view of the Opposition, was that [illegible] Kingdom should confirm that the referend[illegible] constitution represented the exercise of t[illegible] self-determination by the people of Gib[illegible] United Kingdom had accepted that the [illegible] Gibraltar enjoyed that right, but that they [illegible] currently exercise it. The United Kingdom [illegible] issue a statement to the Special Committ[illegible] United Nations to the effect that the [illegible] between the United Kingdom and Gibralt[illegible] longer that of a Non-Self-Governing Terri[illegible] Gibraltar already had a full measure [illegible] governance. The United Kingdom, however [illegible] continued to submit reports to the Comm[illegible] article 73 (e) of the Charter of the United N[illegible] Opposition thus felt that the United Kin[illegible] failed it.

55. The Special Committee should consi[illegible] light of the information he had provided, w[illegible] forthcoming referendum in Gibraltar constit[illegible] of self-determination. The Opposition firml[illegible] that the referendum would, in fact, [illegible] Gibraltar's current status and force it ult[illegible] accept integration with Spain. The referend[illegible] imply that Gibraltar's status in internation[illegible] under the Charter of the United Nations sho[illegible] unchanged unless Gibraltar accepted such int[illegible]

56. *Mr. Bossano withdrew.*

Statement by the Chairman

57. **The Chairman** said that he wished to [illegible] the issue of procedures for the ces[illegible] transmission of information under article 73 [illegible] Charter. In addition to having been raised at [illegible] meeting, several requests for clarificatio[illegible] matter, sometimes referred to as de-listing, [illegible] addressed to the Committee.

58. He recalled that, in 1946, the General [illegible] had adopted resolution 66 (I) formally rec[illegible] list of Non-Self-Governing Territories to wh[illegible] 73 (e) of the Charter of the United Nation[illegible] The list had included over 80 countries at th[illegible] currently contained 16. In 1948, the General [illegible] had adopted resolution 222 (III) on the cessa[illegible] transmission of information under article 73 [illegible] Charter, according to which administerin[illegible] should communicate to the Secretary-Genera[illegible] maximum period of six months, informati[illegible]

political relationship between the Territory and the administering Power.

59. Several other General Assembly resolutions had identified the standards required for a full measure of self-government. To acquire it by internal self-government, according to resolution 742 (VIII), the territory should have freedom from control or interference by the Government of another State in respect of the internal government, and complete autonomy in respect of economic and social affairs. Self-government could be achieved by association with another State or group of States if that was done freely and on the basis of absolute equality.

60. Under the de-listing process, the relevant documents on the proposed arrangements had been submitted by the administering Powers for Puerto Rico, Greenland, the Netherlands Antilles and Suriname. The General Assembly had conducted an extensive review of the nature and extent of self-government in those Territories pursuant to the relevant criteria. It had subsequently adopted resolutions removing them from the list of Non-Self-Governing Territories to which article 73 (e) of the Charter of the United Nations applied. The procedure for transmitting information on new political developments in Territories for review had thus been established in the 1950s. It was therefore clear that the Special Committee had not unilaterally established de-listing criteria.

61. General Assembly resolution 1541 (XV) had further refined the prerequisite of absolute political equality, providing additional details on the three options of independence, free association and integration. That resolution continued to be the current standard for determining the full measure of self-government, as the General Assembly had continually reaffirmed.

62. The process for review of new political arrangements in Territories had been improved by the Special Committee when, at the end of the First International Decade for the Eradication of Colonialism, it had adopted a work programme designed to facilitate cooperation between administering Powers, Governments of the Territories and the United Nations. The programme, most recently confirmed in 2005 by General Assembly resolution 60/117, was to be carried out on a case-by-case basis. It aimed to facilitate tripartite discussions on the current constitutional framework, assist with awareness-raising programmes and assess an individual Territory's process of self-determination. The programme should also enable the transfer of power to the Territory, analyse and confirm the results of the act of self-determination, and confirm that a full measure of self-government had been achieved. Such confirmation would lead to the subsequent de-listing of a Territory. De-listing was therefore not the goal, but the result of the attainment of a full measure of self-government. The process of decolonization would be more effective if all administrative Powers cooperated with the Special Committee as New Zealand had done over the question of Tokelau.

63. Any new constitutional arrangements in a Territory that resulted in colonial reform rather than decolonization without meeting the criteria for a full measure of self-government with political equality would be acknowledged. However, it was difficult to imagine how the international community could declare such an arrangement to be one of full self-government. The Special Committee would, under the direction of the General Assembly, review any proposed political status against the established criteria. It would then report back to the General Assembly, which was the sole body responsible for determining when it was appropriate to cease the transmission of information on a Territory by an administering Power. Any administering Power that believed the criteria for de-listing were inadequate or outdated had the right to propose new criteria to the General Assembly.

64. He suggested that the Committee, taking into account the related developments, should continue its consideration of the question of Gibraltar, subject to any directives the General Assembly might give at its sixty-first session. He also suggested that all relevant documentation should be transmitted to the General Assembly in order to facilitate consideration of that item in the Special Political and Decolonization Committee (Fourth Committee).

65. *It was so decided.*

Other matters

66. **The Chairman** said that the request for a visit to Guam had been refused by the administering Power. He recalled that visiting missions could only take place with the prior agreement of the administering Power. The Committee had agreed that the title of the draft

resolution on the question of sending visiting missions to Territories (A/AC.109/2006/L.6) should include the phrase "visiting and special missions".

67. **Mr. Yáñez-Barnuevo** (Observer for Spain) said that the information the Chairman had provided on the procedures and criteria for the cessation of transmission of information under article 73 (e) of the Charter was of the utmost importance.

The meeting rose at 12.40 p.m.